PLAN

OFFERED BY THE

EARL of CHATHAM,

TO THE

HOUSE of LORDS,

ENTITLED,

A PROVISIONAL ACT, for ſettling the Troubles in AMERICA, and for aſſerting the Supreme Legiſlative Authority and Superintending Power of GREAT BRITAIN over the COLONIES.

Which was rejected, and not ſuffered to lie upon the Table.

LONDON:
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M.DCC.LXXV.

A

PROVISIONAL ACT

For ſettling the Troubles in America, *and for aſſerting the Supreme Legiſlative Authority and Superintending Power of* Great Britain *over the Colonies.*

WHEREAS, by an Act 6 Geo. III. it is declared, that Parliament has full Power and Authority to make Laws and Statutes to bind the People of the Colonies, in All Caſes whatſoever. And whereas, reiterated Complaints and moſt dangerous Diſorders have grown, touching the Right of Taxation claimed and exerciſed over America; to the Diſturbance of Peace and Good Order there,

and to the actual Interruption of the due Intercourſe from Great Britain and Ireland to the Colonies; deeply affecting the Navigation, Trade and Manufactures of this Kingdom, and of Ireland, and announcing farther an Interruption of all Exports from the ſaid Colonies to Great Britain, Ireland, and the Britiſh Iſlands in America. Now, for Prevention of theſe Ruinous Miſchiefs, and in Order to an Equitable, Honorable and Laſting Settlement of Claims not ſufficiently aſcertained and circumſcribed. May it pleaſe your moſt Excellent Majeſty, that it may be declared, and be it declared, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that the Colonies of America have been, are, and of Right ought to be, Dependent upon the Imperial Crown of Great Britain, and Subordinate unto the Britiſh Parliament; and that the King's moſt Excellent Majeſty, by and with the Advice

vice and Conſent of the Lords Spiritual and Temporal, and Commons in Parliament aſſembled, had, hath, and of Right ought to have, full Power and Authority to make Laws and Statutes of ſufficient Force and Validity to bind the People of the Britiſh Colonies in America, in All Matters touching the general Weal of the whole Dominion of the Imperial Crown of Great Britain, and beyond the Competency of the Local Repreſentative of a diſtinct Colony; and moſt eſpecially an indubitable and indiſpenſible Right to make and ordain Laws for regulating Navigation and Trade throughout the complicated Syſtem of Britiſh Commerce; the deep Policy of ſuch prudent Acts upholding the Guardian Navy of the whole Britiſh Empire: and that All Subjects in the Colonies are bound in Duty and Allegiance duly to recognize and obey (and They are Hereby required ſo to do) the Supreme Legiſlative Authority and Superintending Power of the Parliament of Great Britain, as aforeſaid. And whereas, in a Petition from America to his

Majeſty, it has been repreſented, that the keeping a Standing Army within any of the Colonies, in Time of Peace, without Conſent of the reſpective Provincial Aſſembly There, is againſt Law: be it declared by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, that the Declaration of Right, at the Ever Glorious Revolution, namely, " that the " raiſing and keeping a Standing Army within the " Kingdom, in Time of Peace, unleſs it be by " Conſent of Parliament, is againſt Law," having Reference only to the Conſent of the Parliament of Great Britain, the Legal, Conſtitutional, and Hitherto Unqueſtioned Prerogative of the Crown, to ſend any Part of ſuch Army, ſo lawfully Kept, to any of the Britiſh Dominions and Poſſeſſions, whether in America or Elſewhere, as His Majeſty, in the due Care of his Subjects, may judge neceſſary for the Security and Protection of the ſame, cannot be rendered Dependent upon the Conſent of a

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Provincial Aſſembly in the Colonies, without a moſt dangerous Innovation and Derogation from the Dignity of the Imperial Crown of Great Britain. Nevertheleſs, in order to quiet and diſpel groundleſs Jealouſies and Fears, be it Hereby declared, that no Military Force, however Raiſed and Kept according to Law, can ever be Lawfully Employed to Violate and Deſtroy the Juſt Rights of the People.

Moreover, in order to remove for Ever, All Cauſes of pernicious Diſcords, and in due Contemplation of the vaſt Increaſe of Poſſeſſions and Population in the Colonies; and having at Heart to render the Condition of ſo great a Body of induſtrious Subjects there, more and more happy, by the Sacredneſs of Property, and of Perſonal Liberty; and of more extenſive and laſting Utility to the Parent-Kingdom, by indiſſoluble Ties of mutual Affection, Confidence, Trade, and reciprocal Benefits; be it declared and enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the

the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled; and it is hereby declared and enacted, by the Authority of the ſame, that no Tallage, Tax, or other Charge for His Majeſty's Revenue, ſhall be commanded or levied from Britiſh Freemen in America, without common Conſent, by Act of Provincial Aſſembly there, duly convened for that Purpoſe. And it is hereby further declared and enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, that it ſhall and may be lawful for Delegates from the reſpective Provinces, lately aſſembled at Philadelphia, to meet in general Congreſs at the ſaid Philadelphia, on the Ninth Day of May next enſuing, in order Then and There to take into Conſideration the making due Recognition of the Supreme Legiſlative Authority and Superintending Power of Parliament over the Colonies, as aforeſaid. And moreover, May

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it pleaſe your moſt Excellent Majeſty, that the ſaid Delegates to be in Congreſs aſſembled in manner aforeſaid, may be required, and the ſame are Hereby required, by the King's Majeſty ſitting in his Parliament, to take into Conſideration, (over and above the uſual Charge for Support of Civil Government in the reſpective Colonies) the making a Free Grant to the King, his Heirs and Succeſſors, of a Certain Perpetual Revenue, ſubject to the Diſpoſition of the Britiſh Parliament, to be by Them appropriated, as They in their Wiſdom ſhall judge fit, to the Alleviation of the National Debt: no doubt being had, but the Juſt, Free Aid will be in ſuch honorable Proportion, as may ſeem meet and becoming from Great and Flouriſhing Colonies towards a Parent-Country, labouring under the Heavieſt Burthens, (which in no inconſiderable Part) have been willingly taken upon Ourſelves and Poſterity, for the Defence, Extenſion and Proſperity of the Colonies.

And to this great End, be it farther Hereby declared and enacted, that the General Congreſs (to meet at Philadelphia as aforeſaid) ſhall be and is Hereby authoriſed and empowered, (the Delegates compoſing the Same being firſt ſufficiently furniſhed with Powers from their reſpective Provinces for this Purpoſe) to Adjuſt and Fix the Repartitions and Quotas of the ſeveral Charges to be borne by each Province reſpectively, towards the General Contributory Supply; and this in ſuch Fair and Equitable Meaſure, as may beſt ſuit the Abilities and due Convenience of All. Provided always, that the Powers for fixing the ſaid Quotas, Hereby given to the Delegates from the Old Provinces compoſing the Congreſs, ſhall not extend to the New Provinces of Eaſt and Weſt Florida, Georgia, Nova Scotia, St. John's and Canada; the Circumſtances and Abilities of the ſaid Provinces being reſerved for the Wiſdom of Parliament in their due Time. And in order to afford neceſſary Time for Mature Deliberation in America, be it Hereby declared, that the

the Proviſions for Aſcertaining and Fixing the Exerciſe of the Right of Taxation in the Colonies, as agreed and expreſſed by this preſent Act, ſhall not be in Force, or have any Operation, until the Delegates to be in Congreſs aſſembled, ſufficiently authoriſed and empowered by their reſpective Provinces to this End, ſhall, as an indiſpenſable Condition, have duly recognized the Supreme Legiſlative Authority and Superintending Power of the Parliament of Great Britain over the Colonies, as aforeſaid. Always underſtood, that the Free Grant of an Aid as here-before required and expected from the Colonies, is not to be conſidered as a Condition of Redreſs, but as a Juſt Teſtimony of their Affection. And whereas, divers Acts of Parliament have been humbly repreſented in a Petition to His Majeſty from America, to have been found Grievous, in Whole or in Part, to the Subjects of the Colonies, be it Hereby declared, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Au-

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thority of the ſame, that the Powers of Admiralty and Vice-Admiralty Courts in America, ſhall be reſtrained within their Ancient Limits, and the Trial by Jury, in all Civil Caſes, where the ſame may have been aboliſhed, reſtored; and that no Subject in America ſhall, in Capital Caſes, be liable to be indicted and tried for the ſame, in any Place out of the Province, wherein ſuch Offence ſhall be alledged to have been committed; nor be deprived of a Trial of his Peers of the Vicinage: nor ſhall it be lawful to ſend Perſons indicted for Murder, in any Province of America, to another Colony, or to Great Britain, for Trial. And it is Hereby declared and enacted, by the Authority aforeſaid, that all and every the ſaid Acts, or ſo much thereof as are repreſented to have been found Grievous, namely, the ſeveral Acts of the 4 Geo. III. ch. 15, and ch. 34; 5 Geo. III. ch. 25; 6 Geo. III. ch. 52; 7 Geo. III. ch. 41, and ch. 46; 8 Geo. III. ch. 22; 12 Geo. III. ch. 24; with the three Acts, for ſtopping the Port and blocking up the Harbour of Boſton, for altering the Charter and Government of

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Maſſachuſets Bay, and that entitled, "An Act for the "better Adminiſtration of Juſtice, &c." Alſo, the Act for regulating the Government of Quebec, and the Act, paſſed in the ſame Seſſion, relating to the Quarters of Soldiers, ſhall be, and are Hereby ſuſpended, and not to have Effect or Execution, from the Date of this Act. And be it moreover Hereby declared and enacted, by the Authority aforeſaid, that All and Every the before-recited Acts, or, the Parts thereof complained of, ſhall be, and are, in Virtue of this preſent Act, finally Repealed and Annulled, from the Day that the due Recognition of the Supreme Legiſlative Authority and Superintending Power of Parliament over the Colonies, ſhall have been made on the Part of the ſaid Colonies.

And for the better ſecuring Due and Impartial Adminiſtration of Juſtice in the Colonies, be it declared and enacted, by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, that His Majeſty's

Judges in Courts of Law in the Colonies of America, to be appointed with Salaries by the Crown, ſhall hold their Offices and Salaries as His Majeſty's Judges in England, *quam diu ſe bene geſſerint*. And it is Hereby farther declared, by the Authority aforeſaid, that the Colonies in America are juſtly entitled to the Privileges, Franchiſes and Immunities granted by their ſeveral Charters or Conſtitutions, and that the ſaid Charters or Conſtitutions ought not to be invaded or reſumed, unleſs for Miſuſer, or ſome Legal Ground of Forfeiture. So ſhall true Reconcilement avert impending Calamities, and this moſt ſolemn national Accord between Great Britain and her Colonies, ſtand an Everlaſting Monument of Clemency and Magnanimity in the Benignant Father of his People; of Wiſdom and Moderation in this Great Nation, famed for Humanity as for Valour; and of Fidelity and Grateful Affection from Brave and Loyal Colonies to their Parent-Kingdom, which will ever protect and cheriſh Them.

FINIS.

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February 6, 1775.

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